

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GE HFS HOLDINGS, INC.,
formerly known as
HELLER HEALTHCARE FINANCE, INC.,

Plaintiff,

and

MICHAEL INGOLDSBY,

Intervenor Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA. and
INTERNATIONAL INSURANCE GROUP, LTD.,

Defendants.

Civil Action No. 05-11128 NG

**JOINT MOTION FOR CONTINUANCE OF DEFENDANT NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA.'S MOTION FOR SUMMARY
JUDGMENT AGAINST PLAINTIFF-INTERVENOR MICHAEL INGOLDSBY**

Defendant National Union Fire Insurance Company of Pittsburgh, PA. ("National Union") and Plaintiff-Intervenor Michael Ingoldsby ("Plaintiff-Intervenor"), pursuant to Rule 56(f) of the Federal Rules of Civil Procedure, hereby jointly request that this Court issue a continuance of the Motion for Summary Judgment Against Plaintiff-Intervenor filed by National Union and adopt the briefing schedule agreed to by the parties. In support thereof, the parties state as follows:

1. On or about June 27, 2006, National Union filed its Motion for Summary Judgment Against Plaintiff-Intervenor.
2. Further discovery is vital to the Plaintiff-Intervenor's Opposition to Summary Judgment.

3. Specifically, the Plaintiff-Intervenor needs a continuance in order to pursue, at the very least, the Rule 30(b)(6) Deposition of National Union.
4. Specifically, the Plaintiff-Intervenor wishes to question representatives of National Union about the policy at issue and the factual background surrounding the application of the contractual liability exclusion upon which National Union relies to deny coverage.
5. The Plaintiff-Intervenor believes that further discovery on these issues is likely to establish controverting evidence as to material facts contained in National Union's motion, particularly with regard to the interpretation and application of the contractual liability exclusion.
6. Further, the Plaintiff-Intervenor believes that the above-referenced deposition may uncover evidence that suggests that the contractual liability exclusion upon which National Union relies was not intended to apply to the underlying claim for which the Plaintiff-Intervenor has sought coverage.
7. At the status conference held on or about May 2, 2006, the Court (Dein, J.) adopted a schedule proposed by the parties in this matter. Pursuant to the Order, all fact discovery is to be completed by September 30, 2006 and motions for summary judgment filed by January 31, 2007.
8. The Plaintiff-Intervenor and National Union are currently in the process of selecting a mutually agreeable date for the 30(b)(6) deposition of National Union during the month of September 2006.
9. This request is not made for the purposes of delay, will not prejudice any party herein and will serve to further the interests of justice.
10. National Union and Plaintiff-Intervenor have assented to this motion.

11. The parties have agreed to the following briefing schedule:

Event	Deadline
Opposition to Summary Judgment Filed	October 15, 2006
Reply to Opposition Filed	October 31, 2006

WHEREFORE, the parties respectfully request that the Court continue the Motion for Summary Judgment Against Plaintiff-Intervenor filed by National Union and adopt the briefing schedule set forth herein.

Respectfully submitted,

MICHAEL INGOLDSBY,
By his attorney,

/s/ Gregory J. Aceto
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Respectfully submitted

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.
By its attorneys,

/s/ Joey H. Lee
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Dated August 23, 2006

CERTIFICATE OF SERVICE

I, Joey H. Lee, hereby certify that on this 23rd day of August, 2006, that Defendant National Union Fire Insurance Company of Pittsburgh, PA. and Plaintiff-Intervenor Michael Ingoldsby's Joint Motion for Continuance of Defendant's Motion for Summary Judgment Against Plaintiff-Intervenor, which was electronically filed through the ECF system, will be sent electronically to all attorneys of record for Plaintiff GE HFS Holdings, Inc., f/k/a Heller Healthcare Finance, Inc., Plaintiff-Intervenor Michael Ingoldsby, and Defendant International Insurance Group, Ltd.

/s/ Joey H. Lee

Joey H. Lee